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a support member incorporating said storage medium, the support member having a first portion on a main surface thereof where an external connection terminal electrically connected to said storage medium is provided, and a second portion on said main surface, adapted for providing thereon a state-designating member for designating a state in which writing of information to the storage medium is prohibited, wherein, [a write-permitting or] a write-inhibiting signal is produced by virtue of a presence of said state-designating member, and wherein the produced write-inhibiting signal identifies a state of the storage medium.

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### REMARKS

In the pending Office Action, the Examiner noted a typographical error in claim 18. That typographical error has been corrected. Because of its obviously minor nature, Applicant requests entry of this amendment.

In the Office Action, the Examiner rejected claims 1, 8, 18, and 28 under 35 U.S.C. § 112, first paragraph, because the specification is supposedly not enabling and supposedly because there is no written description of the invention as claimed. These rejections are traversed.

The specification explains that support member 12 includes a seal attachment section 15. "The seal attachment section 15 indicates an attachment position of a conductive seal and prevents the conductive seal from projecting upwards from the upper surface of the support member 12." (Col. 5, lines 17-22 and Figs. 1A and 1B.) The specification further explains that "[t]he conductive seal functions as write protector for constituting a write prohibit mechanism. The conductive seal is formed inexpensively, for example, by coating an adhesive on one surface of paper sheet and coating a conductive material such as aluminum on the other surface thereof." (Col. 5, lines 26-31.) The "conductive seal is attached on the seal attachment section 15 on the support member 12, thereby visually indicating that data write in the semiconductor memory package 13 is prohibited." (Col. 5, lines 34-37.)

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Fig. 4 shows conductive seal 16. The specification explains the “memory module 11 is set in a write prohibit state by attaching the conductive seal 16 to the seal attachment section 15 on the support member 12. If the conductive seal is attached, the user can visually recognize the write prohibit state of the memory module 11. In addition, if the memory module 11 is mounted in the card-shaped holder 21, electrical conduction is effected between the connector pins 25 and the memory controller can also recognize the write prohibit state of the module 11.” (Col. 6, lines 57-65.) The specification further explains that the connector pins 25, shown in Fig. 4 as contacting the conductive seal 16, “are arranged at a distance of 1mm or more” and are “connected to a discriminating circuit” that “discriminates the data write permit state and the data write prohibit state on the basis of the conductive state and non-conductive state between the connector pins 25.” (Col. 6, lines 30-41.)

Based on the description in the specification and the accompanying figures, it is quite apparent that if the conductive seal 16 is present, there will be a conductive state between the connector pins 25 and if there is no conductive seal present, there will be no conductive state between the pins 25. As described in the specification, the placement of the conductive seal 16 in the seal attachment section 15 can identify the write prohibit state. That state is determined by the discriminating circuit, which discriminates the write permit or write prohibit state based in the conductive state between the pins 25. That state is determined by the presence or absence of the conductive seal 16.

The independent claims recite that “a write-permitting or a write-inhibiting signal is produced by virtue of a presence of said state-designating conductive member.” Based on at least the above-quoted portions of the specification and the accompanying drawings, that is exactly what the specification describes and enables. The Examiner never explains *why* the specification is deficient, simply making the statement that it is.

With respect to rejections based on lack of written description, the MPEP explains that “the examiner must set forth express findings which support the lack of written description conclusion.” (MPEP § 2163.04 at 2100-169.) In particular, the Examiner must provide “reasons why a person skilled in the art would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed.” (*Id.*) This the Examiner has not done.

Instead, in support of this rejection, the Examiner recognized that the claims as issued, reciting the write-permitting or write-prohibiting signal is produced by the state-designating member,” could be interpreted in a manner inconsistent with the specification. The Examiner contended that the amended language in the independent claims, that the signal is produced by *virtue of the presence* of the state-designating member,” is “also subject to the same confusion.” The Examiner does not explain why this is so. And it is not. The claims as amended recite that the presence of conductive seal 16 is what causes visual and/or electrical determination of the write-permitting or write-prohibiting state of the memory. That is what the specification describes. It is unclear why claims reciting this feature are subject to any “confusion.” The Examiner’s written description rejection should be withdrawn.

The Examiner further contends that the claims are not enabled. Again, the Examiner is wrong. As with the rejection based on the written description, the Examiner has not provided “a reasonable basis to question the enablement provided for the claimed invention,” as required by the MPEP. (MPEP § 2164.04 at 2100-178.) Indeed, “it is incumbent upon the Patent Office, whenever a rejection on this basis is made is to explain *why* it doubts the truth or accuracy of any statement is a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement.” (*Id.*) The Examiner has provided no explanation of *why* the specification is non-enabling for the pending claims. And, based at least on the above-excerpted portions of the specification and accompanying drawings, the pending claims

are unquestionably enabled by Applicant's specification. The Examiner's rejection should be withdrawn.

The Examiner stated that Applicant should file a continuation application from a currently pending related application to pursue its claims. The Examiner has provided no reason why Applicant is not entitled to the pending claims in this application and has even indicated that all of the pending claims contain allowable subject matter. Applicant requests allowance of the pending claims and issuance of a reissue patent certificate.

If there is any fee due in connection with the filing of this Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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